

FILED

JAN 30 2018

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUITCLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS

K DEPUTY

No. 17-50124

A True Copy
Certified order issued Jan 30, 2018Tyke W. Caylor
Clerk, U.S. Court of Appeals, Fifth Circuit

Plaintiff-Appellee

UNITED STATES OF AMERICA,

v.

ISRAEL HERNANDEZ, JR., also known as Jose Federico Garcia-Gonzalez,
also known as Israel Hernandez-Garcia, Jr. (Federal Prisoner: #34888-180)
ISRAEL HERNANDEZ, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas

S:15-CV-1126-DAE
5:12-CR-899-DAE-2

O R D E R:

Israel Hernandez Jr., federal prisoner # 34888-180, was convicted of one count of conspiring to distribute methamphetamine and was sentenced to serve 300 months in prison and a five-year term of supervised release. Now, he moves this court for a certificate of appealability (COA) on the issue whether he qualifies as a career offender under *Mathis v. United States*, 136 S. Ct. 2243 (2016), and its progeny. To obtain a COA, one must make “a substantial showing of the denial of a constitutional right.” § 2253(c)(2).

This court typically does not consider arguments raised for the first time in a COA motion to this court. *See Henderson v. Cockrell*, 333 F.3d 592, 605

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(5th Cir. 2003). Even if the argument is considered, Hernandez has failed to make the required showing. His request for a COA is DENIED.

/s/ Leslie H. Southwick

LESLIE H. SOUTHWICK

UNITED STATES CIRCUIT JUDGE